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January 24, 2022

By ECF and Email

Honorable John P. Cronan
United States District Judge
Southern District of New York
United States Courthouse
New York, NY 10007

Re: *In re Smerling Litigation*
Case No. 1:21-cv-02552-JPC

Dear Judge Cronan:

On behalf of James Feltman of Kroll, LLC (the receiver appointed in the above-referenced consolidated action, the “Receiver”), I write regarding today’s filing of an unopposed motion (the “Unopposed Motion”) by the Receiver which seeks this Court’s authorization for the sale of real property located in Wellington, Florida, two watches and for the approval of prospective sales of Receivership Property valued up to \$15,000.00 without the need for additional orders of the Court (21 Civ. 2552, ECF No. 151). Pursuant to FRCP 6(c)(1)(C), the Receiver respectfully requests the Court to consider the Unopposed Motion without notice and an opportunity to be heard, or set an expedited hearing scheduling.

As explained more fully in the Unopposed Motion, the relief sought includes: (a) authorizing the Receiver (i) to sell (a) to Ashwin Mago (“Mago” or the “Real Property Purchaser”) residential real property located at 3049 Hartridge Terrace, Wellington, Florida 33414 (the “Real Property”) for a purchase price of \$790,000.00, per the terms of the “*AS IS*” *Residential Contract For Sale And Purchase* (w/addendum) attached to the *Declaration of Paul Steven Singerman in Support of Unopposed Motion (I) to Sell (A) Residential Real Property Located at 3049 Hartridge Terrace (Wellington, Florida) and (B) Two Watches, (II) to Obtain Approval of Prospective Sales of Receivership Property Up to \$15,000.00 Per Sale, and (III) for Related Relief* (21 Civ. 2552, ECF No. 152 (the “Declaration”) as Exhibit “2” thereto (the “Real Property Contract”) and (b) to Gray & Sons (“G&S”) a Hermes Arceau Quartz TGM wristwatch (serial no. 3383369, the “Hermes Watch”) and the Rolex Datejust 41 wristwatch (serial no. 2M4C3673, the “Rolex Watch”) and together with the Hermes Watch, collectively, the “Watches”) for a total purchase price of \$9,000.00; (b) to obtain approval of prospective sales of Receivership Property valued up to \$15,000.00 per sale without the need for the Receiver to obtain additional orders of the Court (as defined in the Declaration, collectively, the Future Sales) per the Sale Conditions described in the

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Declaration; and (c) modifying the sale procedures set forth in 28 U.S.C. §§ 2001 and 2004, as applicable, with respect to the sales of the Real Property, the Watches, and the Future Sales. An expedited procedure for the Unopposed Motion is sought because the relief sought is routine in nature, expedited review will facilitate the Receiver's ongoing efforts to monetize the assets comprising the Receivership Estate, and the affected creditors have consented to the requested relief.

The Receiver is proceeding by motion, rather than filing an initial pre-motion letter, because of the time sensitivity of the relief sought and given that Citizens Bank, N.A. and Silicon Valley Bank which are the plaintiffs in this consolidated action (the "Consolidated Action") support the relief requested in the Unopposed Motion.

Defendants JES Global Capital GP III, LLC, JES Global Capital II, L.P., and JES Global Capital GP II, LLC have each failed to appear in this Consolidated Action.

The Receiver is prepared to discuss the Unopposed Motion and any other issues pertaining to the proposed receivership at the hearing to be scheduled by the Court to consider the Unopposed Motion.

We thank Your Honor for Your Honor's consideration of this matter.

Respectfully yours,

/s/ Paul Steven Singerman

Paul Steven Singerman

cc: Counsel of record (via ECF)
Other parties listed on the certificate of service (via Federal Express)